REMARKS

This paper is responsive to an Official Action that was issued in this case on June 6, 2006. In that Action, the Office finally rejected claims all pending claims under 35 USC §§ 102 and 103 as being either anticipated or obvious over U.S. Published Patent Application 2003/0014318 to De La Motte *et al.* ("De La Motte").

Claims 20, 22-32, and 34-40 are in the case. Amendments have been proposed to independent claims 20, 31, and 37. These amendments do not raise new issues for consideration nor will they necessitate a new search. As a consequence, entry of the amendments is requested.

Applicants' attorney thanks the Examiner for the courtesy of a personal interview, which was conducted on August 9, 2006. As required, this Amendment will include a summary of the interview.

All Pending Claims
Are Allowable
Over De La Motte

De La Motte discloses a system and method for facilitating transactions involving the sale of goods or services. According to De La Motte, buyers prepare a "Request For Quote" for a product that they desire. To develop the RFQ, a "transaction server" provides the buyer with a list of product-quality characteristics for the desired product. The buyer designates desired minimum ratings for the product-quality characteristics, thereby defining a minimal acceptable product. [De La Motte at 0072.]

During the personal interview, the applicants' attorney discussed De La Motte in some detail, and reviewed specifically the operational flow of the transaction method (*see* para. [0036] through [0048]). Basically, the De La Motte method comprises the steps of:

- Buyer develops RFQ. (*See* [0036] to [0038]);

- The RFQ is transmitted to the "Transaction Server." (*See* [0039]);

- Transaction Server transmits the RFQ to member suppliers or only those suppliers that are known to supply the product requested in the RFQ. (*See* [0040] to [0042]);

- Supplier receives RFQ. (*See* [0043]);

- Supplier prepares a bid responsive to the RFQ. (*See* [0043] to [0044]);

- Supplier transmits the bid to the Transaction Server. (*See* [0044]);

- The Transaction Server transmits the bid to the buyer. (*See* [0045]); and

- The buyer receives the bid. (*See* [0046])

To "ensure" that the suppliers' product meet the RFQ, suppliers periodically submit samples of their products to testing laboratories for analysis. (*See* [0076]) According to the De La Motte, the testing labs "preferably evaluate a sufficient number and distribution of the products to constitute a statistically valid sample of the product population …. The product ratings applied by the testing labs may then be incorporated into the suppliers' bids." (*See* [0077])

Applicants' attorney then distinguished De La Motte from applicant's claimed invention, as defined by independent method claims 20, 31, and 37. The language of claim 20 is representative, which recites in pertinent part:

> receiving, at a data processing system, a requirement from a prospective purchaser for a first chemical;
> comparing, in said data processing system, said requirement to analyses of batches of said first chemical that are available for purchase from at least two different suppliers through said data processing system to identify a batch that satisfies said requirement …

Applicants' attorney pointed to the language that recites the operation of "co*mparing, in said data processing system … said requirement to analyses of batches … that are available for purchase*". It was noted that these limitations are neither disclosed nor suggested by De La Motte.

First, it was argued that De La Motte's transaction server does not perform a comparison of a prospective purchaser's requirement with a product analysis to identify a specific batch that satisfies the requirement. In De La Motte, the transaction server simply presents to the buyer the bids that suppliers provide in response to the buyer's RFQ. The bid itself implicitly attests to the fact that, based on statistical testing, the supplier's product meets the minimum acceptable product-quality characteristics, as defined by the buyer.

It was also argued that there are no analyses that correspond to specific lots of product available for purchase. De La Motte teaches only statistical sampling of each suppliers' product. There is no guarantee that a specific product that a buyer actually purchases has even been analyzed. In fact, since there are no analyses of specific batches of product for

comparison, only the results of statistical testing on "periodically submit[ted] samples, De La Motte's transaction server <u>can't perform the claimed comparison</u>.

The Proposed Amendments

An aspect of applicants' invention, as has been previously argued, is that <u>each</u> batch of chemical that is available for purchase through the data processing system is analyzed by a testing facility. This batch-by-batch analysis is very important for specialty chemicals, to which applicants' invention is directed. Upon review of the claims, it has been recognized that the claimed method does not, arguably, explicitly recite this limitation.

As such, Applicants propose amending each of the independent claims to recite the limitation that:

each batch that is available for purchase is analyzed by said testing facility

Conclusion

It is believed that claims 20, 22-32, and 34-40 now presented for examination are allowable over the art of record. A notice to that effect is requested.

Respectfully,
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